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Bayer HealthCare LLC, Bayer HealthCare  
Pharmaceuticals Inc.*

**UNITED STATES DISTRICT COURT**

## **NORTHERN DISTRICT OF CALIFORNIA**

LEANNA BLANKENSHIP, *et al.*;

CASE NO. 3:17-cv-02230-WHA

**Plaintiffs,**

**JOINT STIPULATION TO REMAND;  
[PROPOSED] ORDER**

V.

BAYER CORP., an Indiana corporation;  
BAYER HEALTHCARE LLC, a Delaware  
company; BAYER ESSURE INC. (F/K/A  
CONCEPTUS, INC.), a Delaware corporation;  
BAYER HEALTHCARE  
PHARMACEUTICALS, INC., a Delaware  
corporation; and DOES 1-10, inclusive.

### Defendants.

1 Plaintiffs Leanna Blankenship, *et al.*, and defendants and specially-appearing defendants  
2 Bayer Corporation, Bayer Essure Inc., Bayer HealthCare LLC, and Bayer HealthCare  
3 Pharmaceuticals Inc. (collectively, “Bayer”), hereby stipulate and agree as follows:

4 1. Plaintiffs filed their initial Complaint on March 10, 2017, and their First Amended  
5 Complaint on March 21, 2017, in the Superior Court for the State of California, County of  
6 Riverside. In their Complaint and First Amended Complaint, Plaintiffs asserted claims involving  
7 the Essure® Permanent Birth Control System (the “Essure® Device”).

8 2. On April 3, 2017, the Coordination Trial Judge of the Superior Court of the State of  
9 California, County of Alameda, granted Plaintiffs’ petition for coordination of add-on case with the  
10 Judicial Council Coordinated Proceeding (“JCCP”) 4887.

11 3. On April 21, 2017, Bayer removed the matter from the Alameda County Superior  
12 Court to the United States District Court for the Northern District of California.

13 4. On April 21, 2017, Bayer filed an administrative motion to relate this matter to  
14 another matter pending in the Northern District of California involving the Essure® Device,  
15 captioned as *Elizabeth Ann Sangimino, et al. v. Bayer Corp., et al.*, Case No. 3:17-cv-01488-WHA.

16 5. Bayer filed its Motion to Dismiss on April 28, 2017, on the grounds of federal  
17 preemption, among other grounds.

18 6. On May 3, 2017 the parties filed a stipulation to stay briefing on Plaintiffs’  
19 anticipated Motion to Remand, and on Defendants’ Motion to Dismiss pending the Northern  
20 District of California’s rulings on the Motion to Dismiss and Motion to Remand in *Sangimino*. The  
21 Court granted the parties’ Stipulation on May 4, 2017.

22 7. On May 19, 2017, Plaintiffs moved to remand this action to the Superior Court of  
23 Alameda County, State of California, pursuant to 28 U.S.C. § 1447, on the grounds that this Court  
24 lacks jurisdiction over this action.

25 8. On June 9, 2017, this Court granted Plaintiffs’ Motion to Remand in the *Sangimino*  
26 matter and denied the Motion to Dismiss as moot.

1       9.     The parties have met and conferred and agree to remand this case to the Alameda  
2 County Superior Court.

3       10.    The parties thus respectfully ask the Court to enter an order remanding this case to  
4 state court based on the stipulation of the parties.

5       IT IS SO STIPULATED.

6     Dated: June 19, 2017

BARON & BUDD, P.C.

7       By: /s/Laura J. Baughman  
8           Laura J. Baughman  
9           Sindhu S. Daniel  
10          Russell W. Budd

11          *Attorneys for Plaintiffs*

12     Dated: June 19, 2017

SIDLEY AUSTIN LLP

13       By: /s/Alycia A. Degen  
14           Alycia A. Degen  
15           Bradley J. Dugan

16          *Attorneys for Defendants and Specially Appearing  
17           Defendants Bayer Corporation, Bayer HealthCare  
18           LLC, Bayer Essure Inc., and Bayer HealthCare  
19           Pharmaceuticals Inc.*

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

LEANNA BLANKENSHIP, et al;

CASE NO. 3:17-cv-02230-WHA

## Plaintiffs,

V.

BAYER CORP., an Indiana corporation;  
BAYER HEALTHCARE LLC, a Delaware company; BAYER ESSURE INC. (F/K/A CONCEPTUS, INC.), a Delaware corporation; BAYER HEALTHCARE PHARMACEUTICALS, INC., a Delaware corporation; and DOES 1-10, inclusive.

## Defendants

**[PROPOSED] ORDER RE JOINT  
STIPULATION TO REMAND**

PURSUANT TO THE PARTIES' STIPULATION, and for good cause shown, IT IS ORDERED THAT Blankenship v. Bayer Corporation, Case No. 3:17-cv-02230-WHA, be remanded to the Superior Court of the State of California, County of Alameda.

DATED: June 20, 2017.

  
Honorable William Alsup